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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,511

10/03/2003

Philippe Schottland

GEPL.P-079

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05/04/2006

Marina Larson & Associates LLC

re: lexan

PO BOX 4928

DILLON, CO 80435

EXAMINER

LEE, GUIYOUNG

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,511	SCHOTTLAND ET AL.	
	Examiner	Art Unit	
	Guiyoung Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42, 59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42, 59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 02/02/2006.
2. Claims 1-42 and 59-60 are pending.

Election/Restrictions

3. Claims 43-58 have been cancelled.

Response to Arguments

4. Applicant's arguments with respect to claims 1-42 and 59-60 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection follows:

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6, 16, 25, 34 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 6, 16, 25, 34, and 40: The chemical groups associated with "derivatives" are indefinite since derivatives do not clearly set forth the metes and bounds of the patent protection desired.

7. Claims 1-42 and 59-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Re claims 1 and 59: The phrase “an average X chromaticity coordinate of 0.345 to 0.405” is indefinite because the phrase fails to define the patentable subject matter with a reasonable degree of particularity and distinctiveness. First, it is unclear to the examiner which colorimetric system or standard applicant is applying in order to measure the X chromaticity coordinate. Second, applicant does not define Y chromaticity coordinates corresponding to the X chromaticity coordinates. Third, applicant fails to define other chromaticity measuring factors such as observation angle and geometric configuration.

Re claims 2-42 and 60: Claims 2-42 and 60 are necessarily rejected because of their dependency.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-16, 35-42, and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,637,922 B2) in view of Burns et al. (US 5,920,429).

11. Re claims 1-3, 7-10, 35-37, and 59-60: Lee discloses an automotive headlamp and a housing, a light source such as a neon lamp tube, an outer lens, wherein the lens comprises a polycarbonate and a photo-luminescent material such as a fluorescent material (4 in Fig. 3). Lee is silent with regard to the characteristic of the fluorescent material that is altering chromaticity of emitting light. However, it has been known that the photo-luminescent material such as Lee's fluorescent material absorbs light from a light source and emits light having longer wavelength.

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Burns also discloses a color layer (52) of a lens (Fig. 3), and the color layer comprises of polycarbonate resin and fluorescent dyes (col. 9, lines 15+). Further Burns teaches that fluorescent dye absorbs light at a first wavelength and emits at second wavelength which is longer than the first wavelength (col. 3, lines 57+). Furthermore, Burns shows that the X chromaticity coordinates of a fluorescent dye in various polymer matrices are within the range of 0.345 to 0.405 (See the fluorescent dyes having X chromaticity coordinates within the range of 0.345 to 0.405 in Table 7). Various fluorescent dyes in various polymer matrices were available at the time the invention was made as disclosed by Burns in the Table 7, and it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Lee's fluorescent material with the fluorescent dye having a x chromaticity coordinates within the range of 0.345 to 0.405 as disclosed by Burns above because selection of these known equivalents of fluorescent material would be within the level of ordinary skill in the art.

12. Re claims 4-6, 11-16, and 38-42: Burns teaches a polycarbonate articles containing a fluorescent dye such as a perylene imide dye, and the perylene imide dye is included at a concentration of between about 0.05 and about 1.0 weight percent (col. 7, line 65).

13. Claims 17-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Burns as applied to claims 1 above, and further in view of Lyons et al. (US 6,155,694).

14. Re claims 17-34: The teachings of Lee and Burns have been discussed above. Lee does not disclose the light source is a halogen infrared reflected light source having a low beam output and a high beam output as set forth in the claims 17-19. However, Lyons discloses a halogen headlamp and its light outputs (Fig. 4). It would have been obvious to one having ordinary skill

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in the art at the time the invention made to substitute Lee's light source with Lyons' halogen headlamp because a halogen headlamp is known in the art of headlamp and the selection of these known equivalents would be within the level of ordinary skill in the art. Further, Lyons discloses protrusions formed on a major surface (36 in Fig. 2) of the lens.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



THOMAS M. SEMBER
PRIMARY EXAMINER